

HOUSE BILL 730

E4

11r2060

By: **Delegates Simmons, Rosenberg, and Dumais**

Introduced and read first time: February 10, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Regulated Firearms – Mental Disorder**

3 FOR the purpose of altering certain provisions relating to regulated firearms dealer’s
4 licenses, the application for a permit to possess, and the possession of regulated
5 firearms, and the sale, rental, or transfer of regulated firearms to limit certain
6 permits, transactions, and the possession of a firearm if a person has been
7 treated within a certain time period for a mental disorder described in a certain
8 version of the American Psychiatric Association’s “Diagnostic and Statistical
9 Manual – Mental Disorders”; making a certain conforming change; and
10 generally relating to regulated firearms.

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 5–107(b)(4)(viii), 5–114(b)(2)(vi), 5–118(b)(3)(vii), 5–133(b)(7), and
14 5–134(b)(9)
15 Annotated Code of Maryland
16 (2003 Volume and 2010 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Public Safety
19 Section 5–133(b)(6) and 5–134(b)(8)
20 Annotated Code of Maryland
21 (2003 Volume and 2010 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Public Safety**

25 5–107.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) An application for a dealer's license shall contain:

2 (4) a statement by the applicant that the applicant:

3 (viii) has [never spent more than 30 consecutive days in a medical
4 institution for treatment of] **NOT BEEN TREATED WITHIN THE PREVIOUS 5 YEARS**
5 **FOR** a mental disorder **DESCRIBED IN THE VERSION OF THE AMERICAN**
6 **PSYCHIATRIC ASSOCIATION'S "DIAGNOSTIC AND STATISTICAL MANUAL –**
7 **MENTAL DISORDERS" THAT IS CURRENT AT THE TIME THE APPLICATION IS**
8 **SUBMITTED**, unless a physician's certificate issued within 30 days before the date of
9 application is attached to the application, certifying that the applicant is capable of
10 possessing a regulated firearm without undue danger to the applicant or to another.

11 5-114.

12 (b) The Secretary shall revoke a dealer's license if:

13 (2) the licensee:

14 (vi) has [spent more than 30 consecutive days in a medical
15 institution for treatment of] **BEEN TREATED WITHIN THE PREVIOUS 5 YEARS FOR** a
16 mental disorder **DESCRIBED IN THE VERSION OF THE AMERICAN PSYCHIATRIC**
17 **ASSOCIATION'S "DIAGNOSTIC AND STATISTICAL MANUAL – MENTAL**
18 **DISORDERS" THAT IS CURRENT AT THE TIME THE REVOCATION IS CONSIDERED,**
19 unless the licensee produces a physician's certificate[, issued after the last
20 institutionalization and] certifying that the licensee is capable of possessing a
21 regulated firearm without undue danger to the licensee or to another;

22 5-118.

23 (b) A firearm application shall contain:

24 (3) a statement by the firearm applicant under the penalty of perjury
25 that the firearm applicant:

26 (vii) has [never spent more than 30 consecutive days in a medical
27 institution for treatment of] **NOT BEEN TREATED WITHIN THE PREVIOUS 5 YEARS**
28 **FOR** a mental disorder **DESCRIBED IN THE VERSION OF THE AMERICAN**
29 **PSYCHIATRIC ASSOCIATION'S "DIAGNOSTIC AND STATISTICAL MANUAL –**
30 **MENTAL DISORDERS" THAT IS CURRENT AT THE TIME THE APPLICATION IS**
31 **SUBMITTED**, unless a physician's certificate issued within 30 days before the date of
32 application is attached to the application, certifying that the firearm applicant is
33 capable of possessing a regulated firearm without undue danger to the firearm
34 applicant or to another;

35 5-133.

1 (b) A person may not possess a regulated firearm if the person:

2 (6) suffers from a mental disorder as defined in § 10–101(f)(2) of the
3 Health – General Article and has a history of violent behavior against the person or
4 another, unless the person has a physician’s certificate that the person is capable of
5 possessing a regulated firearm without undue danger to the person or to another;

6 (7) has been [confined for more than 30 consecutive days to a facility
7 as defined in § 10–101 of the Health – General Article] **TREATED WITHIN THE**
8 **PREVIOUS 5 YEARS FOR A MENTAL DISORDER DESCRIBED IN THE VERSION OF**
9 **THE AMERICAN PSYCHIATRIC ASSOCIATION’S “DIAGNOSTIC AND STATISTICAL**
10 **MANUAL – MENTAL DISORDERS” THAT IS CURRENT AT THE TIME THE**
11 **QUESTION OF THE POSSESSION IS BEING CONSIDERED**, unless the person has a
12 physician’s certificate that the person is capable of possessing a regulated firearm
13 without undue danger to the person or to another;

14 5–134.

15 (b) A dealer or other person may not sell, rent, or transfer a regulated
16 firearm to a purchaser, lessee, or transferee who the dealer or other person knows or
17 has reasonable cause to believe:

18 (8) suffers from a mental disorder as defined in § 10–101(f)(2) of the
19 Health – General Article, and has a history of violent behavior against the purchaser,
20 lessee, or transferee or another, unless the purchaser, lessee, or transferee possesses a
21 physician’s certificate that the recipient is capable of possessing a regulated firearm
22 without undue danger to the purchaser, lessee, or transferee or to another;

23 (9) has been [confined for more than 30 consecutive days to a facility
24 as defined in § 10–101 of the Health – General Article] **TREATED WITHIN THE**
25 **PREVIOUS 5 YEARS FOR A MENTAL DISORDER DESCRIBED IN THE VERSION OF**
26 **THE AMERICAN PSYCHIATRIC ASSOCIATION’S “DIAGNOSTIC AND STATISTICAL**
27 **MANUAL – MENTAL DISORDERS” THAT IS CURRENT AT THE TIME THE**
28 **TRANSACTION IS BEING CONSIDERED**, unless the purchaser, lessee, or transferee
29 possesses a physician’s certificate that the recipient is capable of possessing a
30 regulated firearm without undue danger to the purchaser, lessee, or transferee or to
31 another;

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2011.